

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE

# REQUEST FOR CONTINUED EXAMINATION (RCE)

## TRANSMITTAL FORM (37 C.F.R. § 1.114)

DOCKET NO. 10191/3689	APPLICATION SERIAL NO. 10/525,425	EXAMINER Bridget D. AVERY	ART UNIT 3618
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INVENTOR(S):  
Stefan TUMBACK et al.

Address to:  
Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

This is a **request for continued examination** under 37 C.F.R. § 1.114 (RCE) of pending application Serial No. 10/525,425 filed on August 30, 2005, entitled **MOTOR VEHICLE HAVING A HYBRID DRIVE AND METHOD FOR IDLE-SPEED CONTROL OF A HYBRID DRIVE OF A MOTOR VEHICLE**

The following constitute the submission **required** by 37 C.F.R. § 1.114(a) and is attached:

- ☒ Amendment After Final Office Action filed on July 9, 2009  
☐ Information Disclosure Statement  
☐ Drawing Changes  
☐ Other Submission:

1. The filing fee for this RCE and the required amendment/submission is calculated below. The fee below is calculated based on the status of the claims after the entry of the attached Amendment/submission. The fee for any new additional claims is included with this RCE, the fee for previously entered additional claims having already been paid.

	CLAIMS REMAINING AFTER AMENDMENT	MINUS	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT NUMBER EXTRA*	RATE (\$) PER CLAIM	FEE (\$)
BASIC FEE						810.00
TOTAL CLAIMS	14		18	0	52.00	0.00
INDEPENDENT CLAIMS	2		2	0	220.00	0.00
MULTIPLE DEPENDENT CLAIM					390.00	
				Number extra must be zero or larger	TOTAL	810.00
	If Applicant is a small entity under 37 C.F.R. §§ 1.9 and 1.27, then divide total fee by 2, and enter amount here.					SMALL ENTITY TOTAL 00

2. The required RCE and submission filing fee of \$810.00 is being paid by credit card.
3. Applicants respectfully request a one-month extension of time in order to extend the period set by the Final Office Action dated April 15, 2009. The extended period expires on August 15, 2009. Please charge the \$130.00 extension of time fee by credit card.
4. The Commissioner is hereby authorized to charge payment of any additional fees required in connection with this communication or arising during the pendency of this application, or to credit any overpayment, to the deposit account of Kenyon & Kenyon LLP, Deposit Account No. 11-0600.

Respectfully submitted,

Dated: August 14, 2009

By: /Gerard A. Messina/  
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## **SPECIAL NOTES REGARDING RCE PROCEDURES**

- RCE practice is **not applicable** to provisional applications, design applications, applications filed before June 8, 1995, or during reexamination. See 37 C.F.R. § 1.114(d) below.
- This RCE form **must** be accompanied by a “submission” (e.g., an amendment). See 37 C.F.R. § 1.114(a), (b).

### **Additional Notes**

- Treat claim fee calculation as you would an amendment filed by itself.
- The applicant may not defer paying the fee for an RCE.
- An RCE is entitled to the benefit of a Certificate of Mailing under 37 C.F.R. § 1.8.
- Inventorship carries/continues. Any change must be via 37 C.F.R. § 1.48.
- Small entity status carries/continues.

### **37 C.F.R. § 1.114(d)**

“(d) The provisions of this section **do not** apply in any application in which the Office has not mailed at least one of an Office Action under 35 U.S.C. 132 or a notice of allowance under 35 U.S.C. 151. The provisions of this section also **do not** apply to:

- (1) A provisional application;
- (2) An application for a utility or plant patent filed under 35 U.S.C. 111(a) before June 8, 1995;
- (3) An international application filed under 35 U.S.C. 363 before June 8, 1995;
- (4) An application for a design patent; or
- (5) A patent under reexamination.”

Interim Rule, 65 Fed. Reg. 14865, 14872-73 (March 20, 2000).